



**JAMES E. JOHNSON**  
*Corporation Counsel*

**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
100 CHURCH STREET, Rm. 3-155  
NEW YORK, NY 10007

**FRANK A. DELUCCIA**  
*Senior Counsel*  
Phone: (212) 356-5054  
fdelucci@law.nyc.gov

February 19, 2020

**BY ECF**

Honorable Mary Kay Vyskocil  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2/20/2020

Re: Calvin Buari v. City of New York, et al.,  
18 Civ. 12299 (MKV)

Your Honor:

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and one of the attorneys assigned to the defense of the above-referenced matter. For the reasons set forth below, defendants respectfully request a two-week extension of time – from February 24, 2020 to March 9, 2020 – to file their reply to plaintiff's opposition to defendants' motion to dismiss the complaint in its entirety pursuant to Fed. R. Civ. P. 12(b)(6). This is defendants' first request for an extension of time to file their reply and plaintiff's counsel consents to this request. This requested extension does not affect any other dates or deadlines in this matter as no other dates or deadlines are currently scheduled.

By way of procedural background, on December 11, 2019, defendants, pursuant to the Scheduling Order adopted at a pre-motion conference on October 11, 2019, moved to dismiss plaintiff's complaint. On January 13, 2020, the Court granted plaintiff's request (made with defendants' consent) for an enlargement of time to file their opposition until February 10, 2020,

Defendants' requested extension is necessary as Alan Scheiner, co-defense counsel in this matter, was on trial<sup>1</sup> and the undersigned was away from the office last week and will also be out of the office during the first week of March to attend to a personal matter. The requested extension will allow defendants to complete and file their reply without delaying proceedings and while working around the scheduling conflicts outlined above.

---

<sup>1</sup> Mr. Scheiner was on trial before the Honorable LaShann DeArcy Hall in the Eastern District of New York in the matter of *Pagan v. Pun, et al.*, 15-cv-5825 from February 10-13, 2020.

Defendants thank the Court for its time and consideration of the within request.

Respectfully submitted,

*Frank A. DeLuccia* /s/

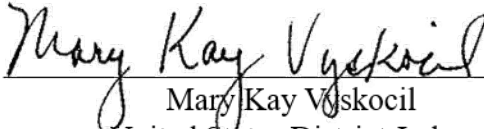
Frank A. DeLuccia  
Senior Counsel

FAD/m

cc: Marc Cannon, Esq. (by ECF)  
Oscar Michelen, Esq. (by ECF)

**Granted. SO ORDERED.**

Date: 2/20/2020  
New York, New York

  
Mary Kay Vyskocil  
United States District Judge